(5) SINGLE BENCH

**IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH**

**Writ Petition (C) No. 6610 of 2006**

PETITIONER:

Indian Broiler Farm,
A partnership firm registered under the Indian Partnership Act,
Through its Executive Director
Anjum Alvi, S/o Late Dr. Iqbal Alvi,
Aged about 42 years,
R/o Anupam Nagar,
Rajnandgaon, Chhattisgarh.

- Versus -

RESPONDENTS:

1. State of Chhattisgarh,
Through the Secretary,
Department of Urban Development & Administration,
D.K.S. Bhawan, Mantralaya,
Raipur, Chhattisgarh.

2. The Director,
Department of Urban Development & Administration,
State of Chhattisgarh,
Raipur, Chhattisgarh.

3. The Collector,
District: Rajnandgaon,
Chhattisgarh.

4. The Sub Divisional Magistrate,
Rajnandgaon, Chhattisgarh.

5. Municipal Corporation,
Rajnandgaon,
Through its Commissioner,
Rajnandgaon, Chhattisgarh.

6. The Commissioner,
Municipal Corporation,
Rajnandgaon, Chhattisgarh.

P.R. No. 6733/06
Presented by Shri Indrakumar Sahu
dated 25-11-06

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OATH COMMISSIONER
S.R. Kaushik
BILASPUR (C.G.)

7. The Health Officer,
Municipal Corporation,
Rajnandgaon, Chhattisgarh.

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT/WRITS, DIRECTIONS ETC., IN THE NATURE OF MANDAMUS, CERTIORARI AND/OR ANY OTHER SUITABLE WRIT OF LIKE NATURE**

(140)

**HIGH COURT OF CHHATTISGARH: BILASPUR**

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**Single Bench: Hon'ble Shri Satish K. Agnihotri, J.**

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**W. P. No. 6610 of 2006**

Petitioner : Indian Broiler Farm

Versus

Respondent : State of Chhattisgarh & others

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Shri Rajeev Shrivastava, Advocate for the petitioner.

Shri N. K. Agarwal, Deputy Advocate General for the respondents No. 1 to 5.

Shri Sanjay K. Agarwal, Advocate for the respondents No. 5, 6 and 7.

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**ORDER**

**( 5th December , 2006)**

1. The petitioner, which is a partnership firm, engaged in the business of poultry farming – selling chicken (dressed/undressed) has filed the instant petition seeking a direction to the respondent No.5 (Municipal Corporation, Rajnandgaon) to issue licence on the application made by the petitioner, for which licence fees has already been received by the respondent No.5.

2. Learned counsel for the petitioner submits that in the year 2005-2006 though the Municipal Corporation, Rajnandgaon received the requisite licence fee but on 18.8.2005 an order was issued to the petitioner to close its business of selling chicken. That order was challenged by the petitioner in Writ Petition No. 3964/2005. Since the period of licence, for which the licence fees was received by the Municipal Corporation, was expired, therefore, that petition was dismissed as having become infructuous. Thereafter, the petitioner moved an application on 16.2.2006 for issuing licence for selling

chicken, which was received by the respondent No.5 on 17.2.2006 The said application was not considered by the respondent/Corporation.

3. Shri Sanjay K. Agarwal, learned counsel appearing for the respondents/Corporation submits that the petitioner has applied for the issuance of licence to sell chicken ( only for male bird – called 'cock'), thus, the petitioner has not made any application for issuance of licence to sell 'dressed chicken'. By order dated 18.8.2006 and letter dated 23.11.2006 (Annexure R-5/B) the respondents/Corporation has directed the petitioner not to sell dressed chicken only. Learned counsel further submits that there is no application for grant of licence for sale of dressed chicken and no requisite fess has also been paid for that purpose.

4. Be that as it may, the petitioner may make an application with requisite licence fees and in turn the respondents/Municipal Corporation shall consider and decide the same, in accordance with law.

5. For the reasons stated above, this petition stands disposed of. No order as to costs.

**Sd/-**
**Satish K. Agnihotri**
**Judge**

Thakur